

Amend Section 31-206 to read:

Post-hearing: Amend Section 31-206.4 to read:

Post-15-day Renotice: Amend Section 31-206.4 to read:

31-206 CASE PLAN DOCUMENTATION

31-206

.1 (Continued)

.4 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination in accordance with Section 31-503.

.4 5 (Continued)

Authority cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code.

Reference: Section 358.1(e) ~~(as added by Assembly Bill 1544, Chapter 793, Statutes of 1997)~~, 361, 361(b) ~~(as added by Assembly Bill 1544, Chapter 793, Statutes of 1997)~~, 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501(e), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, ~~and~~ 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

Adopt Section 31-503 to read:

Post-hearing: Amend Section 31-503 to read:

Post-15-day Renotice: Amend Section 31-503 to read:

Post-OAL Disapproval: Amend Sections 31-503.1 et seq. and .2 to read:

31-503      CHILD SUPPORT REFERRAL REQUIREMENTS

31-503

.1      For a child receiving AFDC-FC in accordance with Welfare and Institutions Code Section 11400, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.

.11      In making this determination, the social worker shall evaluate each case on an individual basis considering the best interests of the child and the circumstances of the family, which may include but are not necessarily limited to, the parent(s)' employment status, housing status, the impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, connection with CalWORKs or other public assistance programs.

.111      If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:

(a)      The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.

(b)      The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.

(c)      The parent's ability to meet the needs of other children in the household who may be at risk of removal.

.112      If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:

(a)      The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.

(b)      The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.

(c) The parent's ability to meet the needs of other children in the household who may be at risk or removal.

.2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.

.21 The social worker shall review this decision following each court hearing held under Welfare and Institutions Code Section 361.5.

.211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.

.3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.

.4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552 Family Code.

Reference: Section 17552, Family Code.

Post-hearing: Amend Section 42-201.3 to read:

Post-OAL Disapproval: Amend Sections 42-201.311 and .312(b) to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.3 The following child support requirements:

.31 The county shall provide the ~~district attorney~~ local child support agency with the information specified in .311 through .3134 below:

.311 A completed referral form;

(a) If the child's social worker has determined according to Section 31-503.1 that it is not in the best interest of the child to refer the case to the local child support agency for enforcement, the county shall refrain from referring the case for child support enforcement.

.312 Any information the county has which indicates that the ~~district attorney~~ local child support agency should not proceed with child support enforcement including at least one of the following reasons for good cause:

(a) an agreement to establish good cause for not cooperating with the ~~district attorney~~ local child support agency if one has been completed by either or both of the child's parents; or

(b) documentation from the child's social worker that referral for child support enforcement would not be in the child's best interest in accordance with Section 31-503;

.313 Any information regarding the best interest of the child as it pertains to child support issues upon request of the local child support agency;

.3134 Any other forms or information, including a Child Support Questionnaire (CA 2.1), requested by the ~~district attorney~~ local child support agency.

.32 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.21, 366.25, 366.3, 727.1, 11008.15, 11155.5, 11400(b), 11401(b), 11402, 11403, and 11404.1, 16516.5, Welfare and Institutions Code; Sections 7911.1 and 17552, Family Code; 42 U.S.C. 672(a); and 45 CFR 1356.21(d).